THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21661 of 2003

Dated:17.08.2006

Between:

Smt.K.Nagamma and others.

…Petitioners

and

District Collector, Guntur District, and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21661 of 2003

ORDER:

The three petitioners filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in trying to alienate the properties of the petitioners without due process of law as illegal and arbitrary. Though interlocutory matters are listed, the matter itself is heard finally and is being disposed of by this order.

It is the case of the petitioners that they are in possession of house sites bearing Survey No.839/1 situated at Murukondapadu Village, Bapatla Mandal in Guntur District. They allegedly purchased the land from M/s.G.Srinivasa Rao, K.Hanumanthu and G.Sreeharamma respectively for valid consideration and raised constructions, which were allotted door numbers. It is their case that their vendors were assigned the land by the Government. Be that as it is, they allege that the second respondent visited their land and threatened to dispossess them on the ground that they are in possession of the assigned land in contravention of the provisions of law, namely the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). Therefore, they filed the present Writ Petition.

A detailed counter affidavit is filed by the Mandal Revenue Officer, the second respondent herein. It is stated that one Smt.Sayyad Katumbi filed a suit, being O.S.No.44 of 1982, for a declaration in respect of the land in Survey No.839/1 against the State. The Court of the Principal District Munsif, Bapatla, decreed the suit, being O.S.No.44 of 1982. The appeal filed by the State, being A.S.No.26 of 1987, was dismissed by the Court of the Subordinate Judge, Bapatla, and the E.P proceedings are still pending. Therefore, the Mandal Revenue Officer addressed a letter to the District Collector to cancel the house site pattas granted to the petitioners' vendors on 31.03.1987

and the issue is pending before the Collector. They also stated that as the petitioners vendors were assigned the private land, as held by the Civil Court in O.S.No.44 of 1982, necessary action is being initiated under the provisions of the Act.

As the counter affidavit admits the possession of the petitioners, it is needless to point out that unless and until proper steps are taken under the provisions of the Act or by the Civil Court, the petitioners cannot be evicted from their houses.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

17.08.2006
vs